S.B.CIVIL WRIT PETITION NO.5634/2004
(Hajara Ram alias Haja Ram Vs. State & Ors.)

Date : 09.01.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. L.D. Khatri for the petitioner.
Mr. Vishnu Kachhawaha, G.A. for the State.

By filing present writ petition under Article 226 &227 of the Constitution of India, Annexures-1 & 2, have been challenged whereby notices issued by the Gram Panchayat, Ramgarh, Panchayat Samiti, Sam, District Jaisalmer have removed the alleged trespassers.

The contention of learned counsel for the petitioner is that proper time was not granted to defend the case, therefore, some time may be granted to file proper reply. He submits that earlier when notice was issued under Section 165 of the Rajasthan Panchayati Raj Act, 1994 (hereinafter referred to as 'the Act') , reply prepared was not taken on record by the Gram Panchyat, therefore, the present writ petition has been filed.

Learned Government Advocate has no objection in case, the petitioner is given an opportunity to file reply before the respondents and the matter may be disposed of after hearing both sides as per the provisions of the Act and Rules concerning the matter.

After having considered the above submission, while disposing of the writ petition, I deem it proper to pass following order :

Respondent No.3, Gram Panchayat, Ramgarh, shall take into consideration, in case, reply to the notice Annexures-1 & 2 dated 5.11.2004 and 27.11.2004 is filed by the petitioner within thirty days from today and thereafter giving opportunity of hearing to the petitioner decide the matter preferably within a period of three months in view of the provisions of the Act and Rules concerning the present matter. However, it is observed that till the matter is decided, status-quo in relation to the suit property shall be maintained.

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The writ petition stands disposed of as indicated hereinabove.

(SATYA PRAKASH PATHAK), J.

vijayant